IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

LA.App..No. 338 of 2001()

LAR.33/1998 of SUB COURT, PALA
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APPELLANT:

1.KURIAN, POOVANANICKAL HOUSE,
MONIPPALLY.

2.MOLLY, D/O.KURIAN, POOVANANICKAL HOUSE,
MONIPPALLY.

BY ADV. SRI.AMJITH C. JOHN
SRI.RAJAN JOSEPH
SRI.KOSHY GEORGE

RESPONDENTS:

STATE OF KERALA,
REP. BY THE DIST.COLLECTOR, KOTTAYAM.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, ALONG WITH LAA 339/01, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. Nos.338 & 339 OF 2001

Dated 7th September, 2007.

J U D G M E N T

Kurian Joseph, J.

These appeals are filed by the claimants for enhancement of compensation in respect of the property acquired for the Moovattupuzha Valley Irrigation Project. In L.A.R.33/98, subject matter of L.A.A.338/01, the reference court has entered a finding that the property acquired in that case is similar to that of the property covered by Ext.A4 judgment in L.A.R.105/96. In that case, the enhancement granted is Rs.3,095/- per Are, over and above the value awarded by the Land Acquisition Officer. However, while granting the relief, the enhancement is limited only to Rs.1,800/- per Are. Apparently, this is a mistake. That apart, in several similar cases, it is brought to our notice that this Court has sustained enhancement to 60%. Therefore, we allow the appeal, L.A.A.338/01 declaring that the claimants shall be entitled to enhancement to the tune of Rs.3,095/- per Are over the value awarded by the Land Acquisition Officer, and the consequential statutory benefits.

2. The property covered by L.A.R.24/98 is adjacent to

the property covered by L.A.R.33/98. On the same principles as stated in L.A.A.338/01, we hold that the appellant in L.A.A.339/01 will also be entitled to the land value as is given to the appellants in L.A.A.338/01 along with the consequential statutory benefits. No costs.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. Nos.338 & 339 OF 2001

J U D G M E N T

Dated 7th September, 2007.